

Remarks

The Communication stated that the amendment filed on March 8, 2007 is nonresponsive. Specifically, the Communication states that newly presented claims 5-28 are directed to a different invention. The Communication cites 37 CFR §1.145 and MPEP §821.03 for support. As support for the conclusion that the newly submitted claims are to a different invention, the Communication merely repeats the language of claim 5. The Communication provides no additional argument.

Applicants request reconsideration of the requirement for restriction pursuant to 37 CFR §1.143. Applicants present the following argument in support that the newly submitted claims are directed to the same invention as the previously examined claims. The following is a comparison of limitations in originally filed claim 1 and newly submitted claim 5.

A. Claims 1 and 5 recite two storage areas:

Claim 1:

“cache memory means” and “content storage means”

Claim 5:

“a first storage area” and “a second storage area”

B. Claims 1 and 5 recite determining whether the contents are for limited use (based on where the contents are stored)

Claim 1:

“estimating means . . . for estimating whether said contents are for trial use, by determining in which of said cache memory means and said content storage means said contents are stored”

Claim 5:

“determining whether a content is for limited use”; “storing the content in the first storage area if the content is for limited use”; “storing the content in the second storage area if the content is not for limited use”.

C. Claims 1 and 5 recite determining whether to limit the execution of the contents

Claim 1:

“determining means . . . for determining whether to limit functions realized through processing or execution of said contents, on the basis of an estimation of said estimating means”

Claim 5:

“determining whether to prohibit execution of a function in at least a part of the content based on whether the content is stored in the first storage area and based on the function”

- D. Claims 1 and 5 recite determining whether to limit the execution of the contents

Claim 1:

“determining means . . . for determining whether to limit functions realized through processing or execution of said contents, on the basis of an estimation of said estimating means”

Claim 5:

“determining whether to prohibit execution of a function in at least a part of the content based on whether the content is stored in the first storage area and based on the function”

As shown by the above, the scope of newly presented claim 5 is similar to that of originally filed claim 1.

As further evidence that original claim 1 is of the same invention as newly presented claim 5, Applicants provide virtually the identical argument for original claim 1 (now presented as claim 29) that was submitted in arguing patentability of newly presented claim 5 in the Amendment filed on March 8, 2007. Specifically, claim 29 recites limitations that relate to limiting execution of functions on an information processing device. In particular, it is determined whether or not to execute a function in a stored content based on (1) the type of functions to be executed and (2) based on where the content is stored. *See* claim 29 “determining means, when contents are processed or executed by said content using means . . . on the basis of an estimation of said estimating means and function limit information showing a rule regarding limits on functions realized through processing or execution by said content using means”. As discussed in the present application, a user may not wish to have certain functions executed on an

information processing device (such as a mobile phone). For example, a user may not wish for certain functions that attempt to access private information about the mobile phone, such as the mobile phone telephone number, to be executed. In order to prevent content stored on the mobile phone from performing the undesired functions, the information processing device's "limiting means [limits] functions realized through processing or execution by said content using means on the basis of a determination of said determining means." *See* claim 29. Specifically, depending on whether the content is stored (such as in the first storage area that indicates the content is for limited use) and depending on the type of function to be executed, the information processing device may determine whether to execute the function. The listing of prohibited functions may be stored in the mobile phone prior to storing the content, and may be a part of the operating system. In this way, the information processing device may control which functions may be executed even before the program is installed on the information processing device.

In contrast, the Tanaka reference does not teach or even suggest determining whether to execute a function in a program based on the type of function to be executed or based on the place where the program is stored. As an initial matter, the Tanaka reference is directed to an entirely different problem – whether to allow a device access to various functions in a software program. Specifically, the Tanaka reference is directed to preventing an unauthorized user from using a software program. Thus, Tanaka is directed to the opposite problem – the software program controlling whether to allow the user to access certain functions in the software program – and not the mobile phone (or other device) controlling whether to allow certain functions in the software program to be executed.

Moreover, the sections in the Tanaka reference cited in the Office Action do not relate to the electronic device, upon which the software program is resident, dictating whether to limit execution of the functions. Instead, the Tanaka reference teaches inputting a key code K in order to access various functions of a software program. Col. 2, lines 23-32. Further, the Tanaka reference teaches that in order to write the software program to the hard drive HD, the user must be authorized. Specifically, the coefficient checker 12 confirms whether the user is authorized based on two coefficient codes and a timestamp. *See* col. 6, lines 10-28. The authorization is not based on where the software